UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) No. 4:05CR434 CDF
JOSEPH L. LUMETTA,)
Defendant.)

ORDER

This matter is before the Court on defendant Joseph L. Lumetta's motion to suppress evidence.

Pursuant to 28 U.S.C. § 636(b), pretrial motions were referred to United States Magistrate Judge Audrey G. Fleissig. An evidentiary hearing was held on September 16, 2005, and thereafter Judge Fleissig filed her Report and Recommendation regarding the defendant's motion. Defendant has not objected to the Magistrate Judge's recommendations and his time for doing so has expired.

After careful consideration, the Court will adopt and sustain the thorough reasoning of Magistrate Judge Fleissig set forth in support of her recommended rulings issued on October 5, 2005.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#24] is SUSTAINED, ADOPTED, and INCORPORATED herein.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence [#21] is denied.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 1st day of November, 2005.